

Date Mailed August 2, 2002

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

Complaint of the Municipal Utilities Regarding Reasonable
Conditions and Compensation for Use of Municipally Owned
Poles

05-EI-132

**NOTICE OF INVESTIGATION,
ASSESSMENT OF COSTS, AND TECHNICAL CONFERENCE**

Technical Conference:	Tuesday, September 10, 2002 – 9:00 a.m.
Location:	Public Service Commission, 610 North Whitney Way, Madison, WI (Amnicon Falls Hearing Room – 1st Floor)

THIS IS AN INVESTIGATION to review a complaint filed by the cities and villages of Arcadia, Broadhead, Cumberland, Eagle River, Hustisford, Lodi, Marshfield, New Holstein, Plymouth, Prairie du Sac, Reedsburg, Rice Lake, Richland Center, Sun Prairie, and Whitehall (complainants) against CenturyTel of Central Wisconsin, LLC, CenturyTel of the Midwest-Wisconsin, LLC, Telephone USA of Wisconsin, LLC, and Verizon North, Inc. (respondents). The filing was received on March 20, 2002.

The complaint states that the complainants have been unable to reach agreement with the respondents on reasonable conditions and compensation for continued and future use by the respondents of the complainants' poles. The complainants request that the Commission exercise its authority under Wis. Stat. § 196.04(2) to prescribe reasonable conditions and compensation for such use, and determine the conditions and terms in certain pole attachment agreements are reasonable and should govern at specified rates.

On April 9, 2002, the respondents filed a Motion to Dismiss or, in the Alternative, for Summary Judgment with an accompanying memorandum. The respondents set forth a position that the parties' conduct is covered by the contractual agreements in place, the remedies are properly subject to dispute resolution under the agreements and the subject matter of the dispute is not properly subject to regulation by the Commission.

On May 20, 2002, the complainants filed a Brief in Opposition to Respondents' Motion to Dismiss or, in the Alternative, for Summary Judgment. On June 11, 2002, the respondents filed a Rebuttal Brief.

NOTICE IS GIVEN that the Commission considers it necessary, in order to carry out its duties, to investigate all books, accounts, practices, and activities of the municipal electric utilities and telecommunication utilities listed above. The expenses incurred or to be incurred by the Commission which are reasonably attributable to such an investigation will be assessed against and collected from these utilities in accordance with the provisions of Wis. Stat. § 196.85 and Wis. Admin. Code ch. PSC 5.

The Commission will hold a technical conference on Tuesday, September 10, 2002, at 9:00 a.m. in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, and may be continued at times to be set by the Commission staff. This building is accessible to people in wheelchairs through the Whitney Way first floor (lobby) entrance. Parking for people with disabilities is available on the south side of the building. Any person with a disability who needs additional accommodations should contact the docket coordinator listed below.

The technical conference is being held to allow both complainants and respondents to update their positions and to examine if there is any opportunity for resolution prior to the Commission formally addressing the filings. The Commission does not intend that the technical conference become a forum for complainants and respondents to restate their previous positions.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed below.

Questions regarding this matter may be directed to docket coordinator Jerry Albrecht at (608) 267-5111.

Dated at Madison, Wisconsin, _____

By the Commission:

Lynda L. Dorr
Secretary to the Commission

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